App.F.IX-4

1925.

File No. 44-25

(me)

Previous References
" 17 25 " 7, 8, 12 & 13
" 17 25 " 19 & 22
" 17-25 " 25 & 26
" 96-24 - 6 & 26

Later references.

Serial Nos. 7, 9, 10, 19 & 23

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for feb 26

SUBJECT

Sale by public auction the right to collect tolls in Nanjangud municipality

25 To, The Deputy Commissioner, Mysore
No. 5532/ d. 4 2 1926
Sanctions the recommendations of the 2 6 re the above

12 2 26

|App F III—2

General and Re ance Secretariat

Mal File No. 66 of 1926

Serial No	
7	

Petition From

Syed peer alias Jamadar
Toll-Gate Contractor
Gunta Sheek Lashkar
Hubballi Dharwar city

Complains that no action has been taken by the Town Asst Collr & Manjanguard to give effect to the orders & Govt to dispose of by public auction the right to collect tolls in the said Manjaguard Mukkasi with effect from 1 7 1926 and prays for necessary action being taken in the matter

In this office letter No 9191 dated 29 6 1926 the Deputy Comr had intimated that the right to collect tolls in the Manjaguard Mukkasi may be sold annually, the first sale being held as soon after the 1st July 1926 as it is possible after due notification thereof

The petitioner states that no action in the matter has till now been taken by the Asst Collr

Submitted for orders

Pdb 26/7 HMK 2 weeks 26/7 27/7

Tmpy — Leo

38b/27/10

Note—Contd. Sheet

App. F III—2]

WD 0569—GPB—40,000—31 7-32

File No. of 192

General and Revenue Secretariat

Serial No

Notes—Contn. Sheet

Serial No	
9	and L 3193 of 30.10.25 I am directed to forward a copy of the petition for an immediate report.
10	From The Secretary Commissioner of Labour, No. R.O.C. 10624 G.W.U.F. furnishing the report called for in 2 of 9 supra and reporting that under the circumstances reported the contract in question may be continued till 30.6.1926 and the right to collect tolls be sold from 1.7.1926.

GENERAL & REVENUE SECT. - 2 FEB 1926 MADRAS

App. F III[—2]

WB 0666—GPB—40,000—31 7-24

File No. of 192

General and Revenue Secretariat

Serial No	
1	

Notes—

Serial No

6] From the following files relating to the disposal of the right to collect Tolls in the Nanjangud Town Municipality

(i) Proceedings 17-23-18
(ii) " 17-23-22
(iii) " 17-23-26
(iv) " 96-24-6

it will be seen that:-

(i) under the circumstances stated the right to collect tolls in the Nanjangud Town Municipality from 1st July 1924 was directed to be disposed of by public auction

(ii) On further representation through the Deputy Commissioner, the period of the present contract for five years was extended up to 28th March 1925 with the observation that the contract should not extend beyond that term

(iii) The above period was further extended till the end of June 1925 with the observation that Government are not prepared to grant any further extension of this period or to await the decision of the Municipal Commr and that the right should be sold annually from 1st July 1925

(iv) On a third representation from the Deputy Commissioner that the contract for five years given to one Kariyanna may be continued for the full period of five years, the Deputy Commissioner has again inferred that the right may be sold annually the first being held as soon after the 1st July 1925 as it is possible after due notification thereof.

7] Thereafter on 19-10-1925 a petition was received from one Syed Peer, complaining that the above orders of the Government were not carried out by the P

Last in Sheet

App. F III[—2]

WD 0569—GPS—40,000—31.7 25

File No. of 192

General and Revenue Secretariat

Serial No

General and Re [illegible] e
Secretariat

File N

Serial No

Council of Nanjangud and praying that --

(a) Necessary steps may be kindly caused to be taken for holding the ordered annual public auction

or

(b) to give him the contract for 1925-26 for Rs 600 over the present contract amount 8/ The Deputy Commissioner has submitted the report called for thereon The Deputy Commissioner reports that the Council have resolved that the present contract may be continued till 30th June 1926 for the reasons that

(a) owing to the last year's abnormal floods any sale during 1925-26 will not fetch the amount that is being realised by the present arrangement

(b) otherwise, the present contractor would insist upon the fulfilment of the contract for the full period of five years and also would threaten the Municipal Council with an immediate civil suit

9/ As for the above grounds on which the resolution of the Municpal Council is based it may be noted th

(a) The contention of the Municipal Council that the amount of the present contract cannot be realis if any sale is held during this year is untenable the ground that the complainant petitioner if relie has come prepared to bid at the sale if held during this year or to pay Rs 600/- more than the present contract amount if the contract should be given to him dire

(b) The further contention of the Municipal Co that the present contractor would threaten them with immediate civil suit in any case that his contract i continued at least till 30th June 1926 is equally u tenable in view of the legal opinion of the Local Legislative Secretary at para 7 of the notes, in th

App. F, III—2

WD 0569—GPB—40,000—31 7-2.

File No. of 192

General and Revenue Secretariat

Serial No

Serial No

file Nl 17-23-13

I

6) Besides from the nature of the resolution passed by the Municipal Council it may be presumed that they have not at all considered the facts put forth by the petitioner Mr Syed Peer.

7) The resolution of the Municipal Council is therefore baseless and they are merely putting off for somereason or other, carrying out the orders of Government to dispose of the right to collect tolls by public auction, which will be in public interests in general, and in the interest of Municipality in ~~particular~~

Submitted for Orders

P.S. 19/Nov/25

20/11/25

8) Although according to the Municipal Act Municipal Council has the right to the above assembly, the Municipal Council have the power of the Contract for 5 years. They have not carried out the orders of govt to sell the same by auction from the year 1926-27. A recommendation is now made to continue the existing state of things for the end of the current year & the Contractor has agreed to continue for previous year & has agreed to terminate the lease by the end of the year. Otherwise to press his claim by a suit. The L.S. Dept has opined that he may not succeed in the suit but the Municipal Council want to take a lenient view /

App. F. 1[1—2]

WD 0569—GPB.—40,000—31 7·

File No. of 192

General and Revenue Secretariat

Serial No

General and Revenue Secretariat

File No

Serial No

of the Case. There is an application for letting the Contract during the year for the 600 more than the yearly amount. ~~upon~~ under the existing Contract. It is already 5 Months past since the Commencement of the year, the Parties may take an Order make a representation that to be for the Contractor (of Jurisdiction) late in this year he may not be thereby done an Common All things Considered -1° Deem expedient to Continue the existing Contract further. 2 Direct that it should Cease at the end of this Year & the Revd Council should report whether better for the same before the beginning of June in this year

2 Copies)

23/11/95

[12] The Revd Council is peremptorily ordering the order of Govt not to Continue the Contractor beyond their term of office (see the Standing

[13] The Council has not Considered the Terms offered & the last who has offered 600 & more

[14] If the Council persists in their measure they may be liable for damages at the instance of the rate payers.

[15] That this warning may perhaps be Conveyed -

23/11/95 (13) Please communicate the above to the Revd Council

Enclosures to be returned (All Copies) 30/11

Please 30/11

5025

—Govt Press

A draft is put up for consideration as per para 16 of the Notes

PJB 3/12 (I Mus) 3/12

Typed 5/12

draft typed is put up

PJB 5.12

20/12

Notes—Contin. Sheet

19

Petition from Mr Kariawasam
Toll-contractor Ranjanpura

Requests that the Toll-contract given to him for a period of four years, (and ordered by the Govt to be sold by public auction) may be continued at least till the 30th June 1946.

1st) The facts of the case are fully set forth in (office note) para 6-10 supra

2nd) A draft to the effect asked is put up, as ordered by the Member at para 16 supra.

3rd) It is a point for consideration whether the period of the contract may be continued, for the last time, till the 30th June 1946, as prayed for by the petitioner (Mr Kariyawasam) and as recommended by the Rd Council and the Defence Council. (Vide para 2 of the P.N. of II)

4th) Refer para 16 supra.

DR
23/11/44

5th) W. To request the Govt Agent of Kanamma, the reply from to be made available

Thereafter

App. F 11[—2]

WD 3569—GPB—40,000—3

File No. of 192

General and Revenue Secretariat

Serial No

General and Revenue Secretariat | File No | of 19

Serial No

WD 0869—GPS—40,000—31 7-2

File No. of 192

General and Revenue Secretariat

Serial No.

Serial No

27) A draft redressed & put up for approval, with refce to para 25 supra

[illegible]

28) Typed & revised draft

29) A typed draft is put up

[illegible]

5857
3.2.

Pleased as changes made

23

L 5532 L 4/26

Mr Secy M Stone DT
Sanctions the recommendations of the DOT in the certain observations

10 FEB 26

NOTE—Contn. Sheet

16468

2634 L
23 OCT 1925

To

The Secretary
to the Government of H. H. the Maharaja
of Mysore, Local and Legislative Depts.,
Bangalore.

Subject. Application for kindly directing the Town Municipal Council of Nanjangud to give effect to the orders of Government in the matter of auctioning the toll collections for 1925-26.

Respected Sir,

With reference to the above subject I beg to state as follows.

(1) The right to collect tolls in the town municipal Council of Nanjangud were till 1925 being sold annually by the Municipality in accordance with the Rules in that behalf.

(2) The said Municipality perhapes since 1925 were pleased to lease out that right for a period of five years to a certain contractor.

(3) The Government was however pleased to veto the action of the Municipality in this respect and also direct them to dispose of the right annually by public auction with effect from 1st July 1925.

(4) It is more than 3½ months since 1st July 1925 and no action has been taken by the Municipality to give effect to the order of the Government.

(5) I am prepared to bid at the auction if it is to be held at an early date and I am also prepared to pay Rs. six hundred more over the present annual average contract.

I therefore request that necessary steps may kindly be caused to be taken for holding the ordered annual public auction, or to give me the Contract for 1925-26 for Rs. 6200 over the present contract yours most obediently,

Sd. Syed Beer alias Jamadar, Toll Gate Contractor, Channarajanagar, Kanta Street, Lashker Mohalla, Mysore.

19th October 1925.

Agg.F VI-G1.]

SUBJECT

Section Rel

File No. 44.37

Serial No. 9

No. L 3193 a (Confidential)

Memorandum

To

Diary No of letter replied to 2634

General and Revenue Secretariat

(R.S.S)

, the 192

Date of issue 30/10/25

Signed by

A copy of the accompanying petition received on 22684/ 2nd Feb-25-7 dated 19.10.25 received at the General and Revenue Secretariat from Syed Peer alias Jamadar, Tali Gate Coimbatore alleging, complaining that the Town Panchayat Nanjangud have not given effect to the Rules of the Govt in the matter of the Tax levied by collecting the Profession Tax to be collected in the said Municipality annually with effect from 1.7.25 etc. is forwarded with Compliments to the Deputy Commissioner of

List of enclosures

Copied by

Examined by

over

No R O C

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT

Dated Mysore 7th November *192*

From

A.V Ramanathan, Esq , B A ,
DEPUTY COMMISSIONER
MYSORE DISTRICT

GENERAL & REVENUE 3181 10 NOV 25

Bn. V SBOTT 8 NOV 1925

B Nagappa Esq Bar-at-Law
Secretary to Government,
Local and Legislative Departments
Bangalore

W 446 - 25 - 60

Sir,

With reference to the correspondence ending with your letter No L 9191/M1 96-24-6 dated the 29th June 1925 directing that the right of collecting tolls in the Nanjangud Municipality may be sold annually commencing from the year 1926-26 and in reply to your memo No L 3190/M1 44-25-3 dated the 30th October 1925 forwarding for report the petition of Mr Syed Peer alias Jamadar complaining that the Municipal Council of Nanjangud have not given effect to the orders of Government ---- referred to above I have the honor to state that at a special meeting of the Council held on 20-10-1925 the Municipal Council again resolved that the Government may be requested to permit the continuance of the present contract till the end of the current official year Copy of the President's letter No dated 22-10-1925 with its enclosures 1 original is enclosed for reference

2 As the present contractor is also agreeable to this course and as this will obviate the fear of a civil suit which the Council is threatened with in the event of an immediate sale I recommend that the resolution of the council may be graciously considered favourably and the sale of the right of collection of tolls from the year 1926-27 permitted instead of an immediate sale

I have the honor to be
Sir
Your most obedient servant

Commissioner.

From

The Deputy Commissioner
Mysore District

To

The Secretary to Government
Local and Legislative Dep
Bangalore

Dated 7th November 1925

No

Encs No 1049-25-969

Forwarding certificate
of the Cantonment
Roll in respect of

D.O No 146 dated 22-10-1925 from the President, Nanjangud Town Municipal Council to the Deputy Commissioner, Mysore District

---

With reference to your letter No D 2 Dis 7/25-26 dated 3rd July 1925, forwarding copy of the letter No L 9191M1 96-24-6 dated 29-6-1925 from the Secretary to the Government, Local and Legislative Departments, Bangalore, re the sale of right of collecting the toll in Nanjangud Municipality from 1-7-1925, I have the honour to state that the above order was brought up before the Municipal Council at its Meeting held on the 18th July 1925 when the council resolved that in case the right was resold just then the present contract amount viz , Rs 1 012-8-0 per month could not be realized particularly because the previous year's abnormal floods had effected road traffic and also the commencement of the M C Railway construction was another additional factor against the council realizing the present sum The councillors resolved that they would wait on the member of Government in charge of the Local and Legislative Departments and represent the peculiar situation in which the Municipal council was placed

On an application, however, from one contractor Syed Peer of Mysore received on the 24th July 1925 enquiring the date of resale of the toll, the Municipal Council resolved on the 18-8-1925, that the application be deferred to the October Meeting within which time, they said, they would wait upon the Member as already decided

In the meanwhile due sale notifications for the disposal of the toll rights as ordered by the Government was got ready by me for circulation fixing the date of sale for 7-11-1925

The matter was again brought up before the Municipal Council at its general Meeting held on the 20th instant, at the request of certain Municipal Councillors who took active interest in inducing the contractor to come to some compromise by which any further complications involving on the Municipal Council could be avoided The Contractor was also present at the said Meeting during the discussion of the subject he represented that Government orders have been passed ordering the resale of the toll rights after

the official year had expired and after he had made his arrangements for the current year as per previous contract, and requested the Municipal Council to allow the contract to be worked for this official year after the expiry of which he would give up the contract Otherwise he would have to insist upon the 5 years' contract The council agreed to this request of the contractor and have passed the following resolution (4)

Resolved that this council respectfully urge upon the kind consideration of the Government that they may be pleased to order that the contract may continue till the end of the current official year especially also in view of the fact that owing to the last year's abnormal floods any sale this year will not fetch the amount that is being now realized by the present arrangement"

An extract of the Council's resolution together with the written statement, of the present contractor Mr Kariyanna, dated 20-10-1925, is herewith enclosed for kind information (5)

The matter has thus been brought to an amicable settlement whereby any further dispute as between the contractor and the Municipal Council would not arise (6)

Under the above circumstances I beg to recommend that the Government may be moved to reconsider their order and bring it into effect from the official year 1926-27 as resolved by the Municipal Council

---

" C o p y "

Deputy Commissioner,
Mysore District

M B R

ನಂಬಿಕೆಯಿಂದ ನಾವು ನಿನಗೆ ಕೆಲಸ ಕೊಟ್ಟಿದ್ದೇವೆ

ಇಂತಿ 20 10 1925 ರಲ್ಲಿ -

ನಿನ್ನ ಕೈಯಲ್ಲಿ ಇರುವ ಹಣವು ನಿನಗೆ ಸಂಬಳವಾಗಿ ಬರಲಿಕ್ಕಿರುವ ಹಣವು ಇವೆಲ್ಲವೂ ಕೆಂಪ್ರಾ ಕಛೇರಿಯವರಿಗೆ ಸೇರಿದ್ದು ಅಂಥಾ ತಿಳಿದುಕೊಂಡಿರಬೇಕು

ನಂಬಿಕೆಯಿಂದ ನಾವು ನಿನ್ನನ್ನು ಇಷ್ಟೊಂದು ಹಣಕಾಸಿನ ಜವಾಬ್ದಾರಿಕೆಯ ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಂಡಿದ್ದೇವೆ ಆದರೆ ನೀನು ಮಾಡಿರುವ ಕೆಲಸವು ಸರಿಯಾಗಿಲ್ಲ - ನಿನ್ನನ್ನು ಅಧಿಕಾರಿಯನ್ನಾಗಿ ಮಾಡಬೇಕೆಂದು ಅಭಿಪ್ರಾಯಪಟ್ಟರು ಕೂಡ ನಿನ್ನನ್ನು ಆಯ್ಕೆ ಮಾಡಿಕೊಳ್ಳಲಿಲ್ಲ ಏಕೆಂದರೆ ಹೆಚ್ಚಿನ ಜವಾಬ್ದಾರಿಯನ್ನು ನಿನ್ನ ಕೆಲಸಗಾರಿಕೆಯಲ್ಲಿ ಕಾಣಲಿಲ್ಲ ಅಲ್ಲದೆ ಬೆಟ್ಟಿಯಲ್ಲಿ ಕೂಡ ಯಾವುದೇ ಕೆಲಸಗಳನ್ನು ಸರಿಯಾಗಿ ಮಾಡಿಲ್ಲ ಇದರಿಂದ ನಿನ್ನ ಮೇಲೆ ಕೆಂಪ್ರಾ ಕಛೇರಿಯವರಿಗೆ ಅಪನಂಬಿಕೆ ಉಂಟಾಗಿದೆ ಆದ್ದರಿಂದ ಬಹಳಷ್ಟು ಪತ್ರಗಳನ್ನು ಬರೆದು ಕಾಲಕಾಲಕ್ಕೆ ಲೆಕ್ಕವನ್ನು ಒಪ್ಪಿಸಲು ತಿಳಿಸಿದ್ದರೂ ಕೂಡ ನೀನು ಲೆಕ್ಕವನ್ನು ಒಪ್ಪಿಸಿಲ್ಲ ಆದ್ದರಿಂದ ಇಂದಿನಿಂದ 1926 ನೇ ಇಸವಿ ಜನವರಿ 1 ರಿಂದ ನಿನ್ನನ್ನು ಕೆಲಸದಿಂದ ತೆಗೆದು ಹಾಕಲಾಗಿದೆ ಆದ್ದರಿಂದ ನೀನು ಕೆಂಪ್ರಾ ಕಛೇರಿಯವರಿಗೆ ಸೇರಿದ ಹಣವನ್ನು ಕೂಡಲೇ ಕಛೇರಿಗೆ ಒಪ್ಪಿಸಿ ಲೆಕ್ಕವನ್ನು ಒಪ್ಪಿಸಬೇಕು ಇಲ್ಲವಾದಲ್ಲಿ ನಿನ್ನ ಮೇಲೆ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಲಾಗುವುದು ಎಂದು ತಿಳಿಸಲಾಗಿದೆ ಇದಕ್ಕೆ ನೀನು ಸಹಕರಿಸಿ ನಿನ್ನ ಬಿದ್ದಾಪಟ್ಟಿಯನ್ನು ಕೆಂಪ್ರಾ ಕಛೇರಿಯವರಿಗೆ ಒಪ್ಪಿಸಲು ತಿಳಿಸಲಾಗಿದೆ

ಇಂತಿ ನಿನ್ನವರು

ಸಹಿ

ದಿನಾಂಕ 10 ಇಂತಿ

ಹಾಜರಾತಿ — 15 ಸ್ಥಳಾಂತರ ಹಾಜರಾತಿ — 3

ಪ್ರಭಾಕರಯ್ಯ — ಮಂಡಿಸಿದರು ——

ಕಾಂಟ್ರಾಕ್ಟರ್ ಮಿ. ಕಾಯಪ್ಪ ಇವರು ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್ದು ಕಾಂಟ್ರಾಕ್ಟರ್ ಅವರಿಗೆ ಇರುವ ವಿಶೇಷ ಕಷ್ಟಗಳನ್ನು ಮತ್ತು ಕಾಂಟ್ರಾಕ್ಟರ್ ಅವರು ಈ ಕಾಂಟ್ರಾಕ್ಟನ್ನು ಮುಂದಿನ ಆಫೀಸಿಯಲ್ ವರ್ಷಕ್ಕೆ ಕನಿಷ್ಠ ಪಕ್ಷ ಹಿಂದಿನಂತೆಯೇ ಮುಂದುವರಿಸಲು ಅವಕಾಶ ಕೊಡಬೇಕೆಂದು ಕೋರಿರುವುದನ್ನು ಪರಿಗಣಿಸಿ ಈ ಕಾಂಟ್ರಾಕ್ಟನ್ನು ಮುಂದಿನ ಆಫೀಸಿಯಲ್ ವರ್ಷದ ಪ್ರಾರಂಭದಿಂದ ಹೊಸದಾಗಿ ಸೇಲ್ ಮಾಡಲು ಅವಕಾಶ ಕೊಡಬೇಕೆಂದು ಈ ಕೌನ್ಸಿಲ್ ಗೌರವಪೂರ್ವಕವಾಗಿ ಸರ್ಕಾರವನ್ನು ಕೋರುವುದೆಂದೂ ಮತ್ತು ಈ ಕಾಂಟ್ರಾಕ್ಟನ್ನು ಈ ಆಫೀಸಿಯಲ್ ವರ್ಷದ ಕೊನೆಯವರೆಗೂ ಮುಂದುವರಿಸಲು ಅವಕಾಶ ಕೊಡಬೇಕೆಂದು ಸರ್ಕಾರವನ್ನು ಕೋರುವುದೆಂದೂ ಮತ್ತು ಈ ಆಫೀಸಿಯಲ್ ವರ್ಷದಲ್ಲಿ ಮಳೆಯ ಅಭಾವದಿಂದ ಕಳೆದ ವರ್ಷಕ್ಕಿಂತ ಕಡಿಮೆ ಆದಾಯ ಬರುವುದೆಂದೂ ಆದ್ದರಿಂದ ಈ ವರ್ಷ ಕಳೆದ ವರ್ಷದಷ್ಟು ಹಣ ಬರುವುದಿಲ್ಲವೆಂದೂ ಆದ್ದರಿಂದ ಈಗ ಜಾರಿಯಲ್ಲಿರುವ ಏರ್ಪಾಡಿನಂತೆ ಈ ಕಾಂಟ್ರಾಕ್ಟನ್ನು ಮುಂದುವರಿಸಲು ಅವಕಾಶ ಕೊಡಬೇಕೆಂದು ಈ ಕೌನ್ಸಿಲ್ ಗೌರವಪೂರ್ವಕವಾಗಿ ಸರ್ಕಾರವನ್ನು ಕೋರುವುದೆಂದೂ ನಿರ್ಣಯಿಸಲಾಯಿತು ——

× × × × × × ×

The Municipal Council has heard the Contractor Mr. Kari-yappa who is also present in View of the special difficulties of the Situation and in View of the fact that the contractor urges that the Contract for the current official year at least may remain as before with liberty for the Contract to be Sold from the beginning of the next official year, Resolved That this Council respectfully urge upon the Government Kind consideration of the Government that they may be pleased to order That the contract may continue till the end of the current official year especially also in consideration of the fact that owing to the last year's abnormal floods any resale This year will not fetch the amount that is being now realized by the Present arrangement.

PTO

Arrangement

X X X X X X X

Sgt. s N.-Appenzell gar.

Extract

Appenzell

President

President

GENERAL & REVENUE SECRETARIES
4 14 K
LOCAL SELF GOVT BRANCH

Mr 44-25-19

To

B Nagappa Esq , Bar-at-Law,

Secretary to Government, Local and Legis Deptts

Petitioner - Kariyanna, Toll Gate Contractor, Nanjangud Town

Subject in brief - The petitioner has been given the toll contract of the Nanjangud Town Municipal Council for a period of five years from 1923-24 for a sum of Rs 60000 and odd Now two a half years are over The Municipal Council have been repeatedly requesting Government to continue the contract for the full period of at least till 30-6-1926

Prayer - The petitioner requests that his contract for five years may for the present be continued till the end of June 1926, i e for another six months, as resolved by the Municipality and strongly recommended by the Deputy Commissioner

Honoured Sir,

The petitioner begs to state as follows:-

(i) During 1923-24 the petitioner was given the toll contract for a period of five years for the collection of tolls in the Nanjangud Municipality for the heavy sum of Rs 12038 per annum;

(ii) A regular contract was entered into between the petitioner contractor and the Municipality

(iii) Ever since the date of the contract, much correspondence is going on between the Municipality and the Government about the validity of the Municipality's action in having leased the toll right for a full period of five years and Government were inclined to think that the said right should be disposed of -- annually only and accordingly directed the sale of the said right to be held at least from 1-7-1923.

(iv)

(iv) The petitioner begs to state in this connection that the Municipality according to the best interpretation of the ruling on the point in the Municipal Regulation was completely and legally justified in exercising its discretion vested in it to have given over the five years' contract to the petitioner.

(v) Apart from considering the above point, for the reasons that

(a) the petitioner has suffered much loss of toll revenue on account of floods during 1924-25;

(b) The antagonist petitioner Mr.Syed Peer who has offered to pay more for the contract will surely fail to even attend at the time of auction sale as he is not very particular about his taking the contract but only work prejudicially to the petitioner;

(c) Full six months of the current official year are over and another six months only there is for the contract. Even if a sale is to be held, it can be done only in February and that means that the contract will be for about hardly four months. It is for the Government to consider the meagreness of the period and the loss the contractor will be put to on this account;

(d) The counter-petitioner's father Mr.Syed Ghouse has been a defaulter in payment of his kist to Government on account of the Yelwal Toll contract to the extent of Rs.1500. On this account he is not taking the contract himself but only in his son's name and to the prejudice of others.

(e) The Municipality has strongly recommended that the present contract should be continued till 30-6-1926 at least and the Deputy Commissioner also has supported this.

Under the circumstances, the petitioner begs to request that orders may be issued to the continuance of his contract till the end of June 1926 out of equity if not out of mercy at least.

I beg to remain,
Sir,
Your most obedient servant,

Toll Contractor,
Nagangud

Bangalore,
15-12-1925.

Confirmed W L 5532 G 1, 24
MD 44-25-25

Proceedings of the Govt of H H the Maharaja of Mysore

Read

Corres ending with L & L Secy's letter No L 7240/M1 17-23-11 dated 12th March 1924, to the Deputy Commr , Mysore Dist stating that the procedure adopted by the Nanjangud Town Municipal Council in leasing out the right to collect tolls in the Municipality for a period of five years from 1923-24, was irregular, that the Municipal Council have not framed any byelaws for the sale of the right to collect tolls and in th absence of such byelaws, the provision contained in Rule 170 of the Munl Account - Manual viz , that the lease of the right should be from year to year, should have been followed and that the sale in question is cancelled, the present Contractor however being allowed to enjoy the right till 1st July 1924 and directing that the right be disposed of by public auction from that date

2 Further corres ending with the L &L Secy's letter No L 1/M1 17-23-22 dated 1st July 1924, and G O No 4823-4/M1 17-25-25 dated 7th January 1925, extending the above period of lease off and on, till 30th June 1925, with the observation that Govt are not prepared to grant any further extension of the period and that the right should be sold annually thereafter

Flags B F + O

3 Further corres ending with letter No Roc 1049 dated 7th Nov 1925, from the Deputy Commr Mysore Dist , recommending as a special case, under the circum[illegible]

stated by him, sanction to the resolution of the Town Municipal Council of Nanjangud to the continuance of the said contract till the end of June 1926, with the assurance that the right would be sold annually from 1st July 1926

Order No

Dated, Bangalore, Jan 1926

From the correspondence read above, it is seen that the Nanjangud Town Municipal Council have persistently ~~~~ to continue the contract beyond the term for which sanction was accorded

2 The recommendation of the Deputy Commissioner to continue the contract till the end of June 1926, is however sanctioned, with the observation that the right to collect tolls should be sold annually from 1st July 1926, by the Nanjangud Town Municipality; ~~and that if they should fail to do so, the~~ members of the Municipal Council may be informed confidentially ~~will be~~ liable individually for any loss caused by neglect of their duties as Trustees.

To L L Secy to Govt
The Deputy Commissioner, Mysore Dist